IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Cont.Case (C).No.1328 of 2007(S)

ARISING FROM THE JUDGEMENT IN W.A.NO.1766/2002 DATED 26.07.2005

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PETITIONER:-

P.I.BABU, AGED 55 YEARS, S/O.ITHACK,
RESIDING AT PUTHENPEEDIKAYIL HOUSE,
KOOTHATTUKULAM.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:-
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1. R.K.ABROT,
   AGE AND FATHER'S NAME NOT KNWON TO THE PETITIONER,
   GENERAL MANAGER (PERSONAL), SYNDICATE BANK,
   HEAD QUARTER OFFICE, MANIPAL.

2. R.VENKATESWARAN,
   AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
   DEPUTY GENERAL MANAGER, SYNDICATE BANK,
   REGIONAL OFFICE, SHANMUGHAM ROAD, ERNAKULAM.
   (THERE IS NO ZONAL OFFICE AT TRIVANDRUM).

BY STANDING COUNSEL M.P.ASHOK KUMAR.

THIS CONTEMPT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Cont.Case (C)No.1328 of 2007

Dated, this the 17th day of September, 2007

JUDGMENT

H.L.Dattu, C.J.

A dismissed employee of the respondent Bank is before us in this contempt petition, inter alia, alleging that the respondents have disobeyed the orders and directions issued by a Division Bench of this Court in W.A.No.1766 of 2002 dated 26th July, 2005. Therefore, a request is made in the contempt petition to initiate appropriate contempt proceedings against the respondents and punish them for their wilful and deliberate disobedience of the orders and directions issued by this Court in the aforesaid writ appeal.

(2) The Bank aggrieved by the orders passed by the learned Single Judge in O.P.No.13836 of 1997 has filed appeal before this Court in W.A.No.1766 of 2002. A Bench of this Court by its order dated 26th July, 2005 has modified the orders passed by the learned Single Judge. In that they have stated as under:

> "2. It is contended that there is no violation of principles of natural justice. But in the light of conviction and sentence, necessarily he has to face further dismissal from service and it is only appropriate that the dismissal already ordered be converted as a dismissal based on such conviction; and ofcourse in case the appeal against conviction is modified or annulled, the Bank will be free to initiate further action either as directed by the learned single Judge or in terms of clause 11 of the Syndicate Officer Bank Employees (discipline and Appeal) Regulations, 1976."

(3) A perusal of the orders passed by the Division Bench of this Court would clearly demonstrate that there is no positive direction by this Court to the respondent Bank to pay arrears of salary to the complainant for the period from 1996 till he was convicted by a criminal court in the year 1999. In the absence

of a positive direction by this Court, it cannot be said that the Bank has committed any contempt which would come within the definition of Section 2(b) of the Contempt of Courts Act, 1971.

(4) In view of the above, we do not intend to entertain this contempt petition. Accordingly, the petition requires to be rejected and it is rejected without reference to the respondent.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns